

Ser. No. 10/670,408
TIMK 8497U1
Amendment Dated November 13, 2006
Reply to Office Action of August 15, 2006

REMARKS

Claims 1-6, 8-11 and 13-21 are pending. Claims 1-6, 10, 11, and 19 are indicated as allowable. Claims 8, 9, 13, 15, 16, 18, 20, and 21 are rejected. Claims 14 and 17 are objected to.

Rejection of Claims 8-9, 13, 15-16, 18, and 20-21 Under 35 U.S.C. §103 (a).

Claims 8-9, 13, 15-16, 18, and 20-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 3,945,270 issued to *Nelson* (hereafter referred to as “*Nelson*”) in light of U.S. Pat. No. 4,116,293 issued to *Fukui* (hereafter referred to as “*Fukui*”).

Applicant respectfully traverses the Examiner’s rejection of those Claims under 35 U.S.C. § 103. Specifically, Applicant believes the Examiner has not established a *prima facie* case of obviousness as required under patent law and in accordance with the Manual of Patent Examining Procedure (“MPEP”). The MPEP states:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed., Cir 1991) See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

MPEP § 706.02(j) (emphasis added).

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The Examiner has not shown that all elements of any of claims 8-9, 13, 15-16, 18, and 20-21 are found in *Nelson*, or in the combination of *Nelson* and *Fukui*. In fact, none of the cited references disclose a planetary roller with a flexible mounting as claimed by independent claims 8, 13, and 16.

The Examiner contends that *Nelson* discloses all the limitations of claims 8-9, 13, 15-16, 18, and 20-21, except for a means for flexible mounting the planetary roller. In support of this contention, the Examiner argues that the specification and Fig. 3 of *Fukui* discloses the means for flexible mounting the planetary roller, and it would have been obvious to one skilled in the art to modify *Nelson* so that the spring (45) is replaced with the flexible mounting (plastic insert 34) of *Fukui*. However, *Fukui* does not disclose a means for flexible mounting a planetary roller. Oppositely, *Fukui* discloses only a plastic insert (34) as an alternative means for connecting the input sun gear (13) to the hollow shaft (4), which can be used in place of splines (3) and (13a). (Col. 4 lines 47-52). There is no teaching or suggestion that the plastic insert (34) is a "flexible mounting" that biases the input sun gear (13) towards the center of the hollow shaft (4). Therefore, the plastic insert (34) is not flexibly mounted as contended by the Examiner. In contrast, the claimed invention includes a means for flexibly mounting the planetary roller onto a fixed support shaft such that the means biases the roller towards the center of the support shaft.

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Therefore, the cited references do not teach or suggest all of the claim limitations of independent claims 8, 13, and 16 as required by the MPEP to make a *prima facia* case of obviousness. In light of the above, Applicant submits that claims 8, 13, and 16 are in condition for allowance over the cited references and respectfully requests that the Examiner withdraw the rejection of claims 8, 13, and 16 as being obvious under 35 U.S.C. § 103.

Claims 9, 15, 18, and 20-21 depend from respective base claims 8, 13, and 16 and therefore, incorporate all of the subject matter of the base claims. Because a dependant claim cannot be obvious if the independent claim from which it depends is not obvious, dependant claims 9, 15, 18, and 20-21 of the present application must also be found not obvious. In light of the above, Applicant therefore respectfully requests that the Examiner withdraw the rejection of claims 9, 15, 18, and 20-21 as being obvious under 35 U.S.C. § 103.

Objection of Claims 14 and 17

Claims 14 and 17 depend from respective base claims 13 and 16, and therefore, incorporate all of the subject matter of the respective base claims. Because a dependant claim cannot be obvious if the independent claim from which it depends is not obvious, all claims depending from base claims 13 and 16 must also be found

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nonobvious. Therefore, Applicant requests that Examiner withdraw the objection of claims 14 and 17.

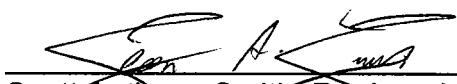
Conclusion.

Applicant believes the above analysis overcomes all of the Examiner's objections and all of the Examiner's rejections. Therefore, applicant submits that claims 1-6, 8-11, and 13-21 constitute allowable subject matter and should be favorably considered by the Examiner. Applicant requests that the Examiner issue a timely Notice of Allowance for those claims.

The Commissioner is hereby authorized to charge any additional fees or credit overpayment under 37 CFR 1.16 and 1.17, which may be required by this paper to Deposit Account 162201.

Respectfully submitted,

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